

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17173 of 2005

Between:

Thota Baby Sarojini

.. Petitioner

and

The District Collector and others

.. Respondents

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17173 of 2005

ORDER:

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This writ petition is filed to declare the action of the respondent-authorities in trying to dispossess the petitioner from the land to an extent of Ac.8.50 cents, in Sy.No.308/3, 312, 312/1, 317/3 and 322/1, situated at Thummala Cheruvu village (Kona), Machilipatnam Mandal, Krishna District without following due process of law, as illegal and arbitrary and consequently to direct the respondents not to evict the petitioner from the above said land.

It is the case of the petitioner that she purchased the land in question by paying the entire sale consideration from various persons. Since then she has been in possession and enjoyment of the same. Thereafter, she invested huge amounts for developing the said land. While so, on 05.03.2005, the third respondent-Mandal Revenue Officer, Machilipatnam, Krishna District issued a notice in Form-I to the petitioner calling upon her to submit explanation as to why she should not be evicted from the land admeasuring Ac.2.00 covered by Sy.No.308/3. She submitted her explanation on 23.03.2005 stating that she purchased the above said land after paying the entire sale consideration, but the third respondent without conducting any enquiry is trying to interfere with her possession and enjoyment of the land and at the instance of the local political party, the third respondent is trying to evict her. Heard, the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The grievance of the petitioner is that though she submitted an explanation on 23.03.2005 to the notice issued by the third respondent on 05.03.2005, the third respondent without conducting any enquiry, trying to interfere with her peaceful possession and enjoyment of the land and also trying to evict her.

In that view of the matter, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the third respondent to consider the explanation given by the petitioner on 23.03.2005 and pass appropriate orders thereon in accordance with law after giving an opportunity of being heard, within a period of 12 weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to interfere with the petitioner's possession and enjoyment of the land in question. There shall be no order as to costs.

04.08.2005

kdl